



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 08/391,301      | 07/10/1997  | KENNETH HARRENTIEN   | 224/183             | 5720             |

23639 7590 01/31/2003

BINGHAM, MCCUTCHEN LLP  
THREE EMBARCADERO, SUITE 1800  
SAN FRANCISCO, CA 94111-4067

EXAMINER

TRAN, PABLO N

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2684

DATE MAILED: 01/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

08/891,301

Applicant(s)

HARRENSTIEN ET AL.

Examiner

Pablo N Tran

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 13-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-12 and 16-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, 10-12, and 16-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Anderson et al.* (5,842,216) in view of *Eggleston et al.* (5,958,006).

As per claims 1-6, 10-12, 16-20, 22-31, 34-43, and 45-46, *Anderson et al.* disclosed a method for transmitting information from a server to a client station wherein determining whether the server has information to be transmitted to the client station without the client station initiating to establish a connection to the server and transmitting a message from the server directly to a client indicating the server has information for the client station and the client station can establish a log-on connection with the server based on the telephonic address (abstract);

*Anderson et al.* do not disclosed a mobile-based client server system. *Eggleston et al.* disclosed such mobile-based client server system (see fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art to provide a mobile-based client server system, as disclosed in *Eggleston et al.*, to the data notification message

Art Unit: 2684

network, as disclosed in *Anderson et al.*, in order to provide a wireless communication path between the client and server that provide the user's mobility.

*Anderson et al.* disclose such information data type (abstract) but does specifically disclosed evaluating the information at the server to provide the client a summary of type and quantity of information is awaited for the client at the server.

*Eggleston et al.* disclose such summary of type and quantity of information (abstract, fig. 3-4, col. 2/ln. 66-col. 4/ln. 3). Therefore, it would have obvious to one of ordinary skill in the art to modify and apply a method for communicating summarized data as taught by *Eggleston et al.* to a communication link for client-server as discussed by *Anderson et al.* in order to save time and tariff charge of downloading selected type and quantity of information as selected by the client.

As per claims 7-8, 21, 32-33, and 44, *Anderson et al.* in view of *Eggleston et al.* further disclosed transmitting the message between GSM based transceivers (see *Eggleston et al.*, col. 4/ln. 35).

*Anderson et al.* in view of *Eggleston et al.* does not disclosed transmitting the message in an SMS paging message format. However, such is notoriously well known in the art the Examiner takes official notice of such. Therefore, it would have been obvious to one of ordinary skill in the art at the time to utilize the method of SMS paging message, well known in the art, in conjunction with a communication link for client-server system as discussed by *Anderson et al.* in view of *Eggleston et al.* in order to save time and tariff charge.

Art Unit: 2684

**Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Boyle et al. (6,119,167), Tada (6,237,040), Barbara et al. (5,581,704), and Kloba et al. (6,421,717) disclose radiotelephone message transmission system.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (703)308-7941. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Hunter, can be reached at (703)308-6732.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

PABLO N. TRAN  
PATENT EXAMINER



AW 2684

January 24, 2003